UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No	Applicant(s)
Offic Action Summary	09/662,398 ●	HARRIS, WILLIAM F.
	Examiner	Art Unit
	Matthew s Gart	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Peri d for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-76* is/are pending in the application.

    4a) Of the above claim(s) *1-57* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *58-76* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *14 September 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other: .

DETAILED ACTION

El ction/R strictions

Claims 1-57 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7.

Applicant's arguments with respect to the provisional election, with traverse, of claims 58-76 have been considered but are not persuasive. The attorney argues that the methods of claims 1-57 could not be practiced by hand. The Examiner notes that a method for ordering a product, comprising of receiving a request for an order via a communication network, retrieving a customer price for the product, and providing a commission to an agent associated with a unique manufacturer of the product, could have been accomplished by an individual without the aid of a computer or server system.

Drawings

This application has been filed with informal drawings, which are acceptable for examination purposes only. Figure 1 through Figure 9 contains improper crowded text, which may affect clarity when reproduced.

Applicant is required to submit a formal correction of the noted defect. Applicant is required to submit drawing corrections promptly. Drawing objections may no longer be held in abeyance.

Claim Rej ctions - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 58-76 are rejected under 35 U.S.C. 102(e) as being anticipated by

Bezos U.S. Patent No. 6,029,141.

Referring to claim 58. Bezos discloses a server system for generating an order

for a product (Figure 1), comprising:

- A receiver component that receives requests to order a product (Figure 8, "Add it

  to your Shopping Cart") and for receiving financial authorizations (column 6, lines

  41-47), a request including a product code that identifies the product (Figure 8,

  "ISBN: 0809232022") and a customer identification that identifies a customer (at

  least column 8, lines 17-31, "Any of a variety of alternative techniques can be

  used to identify the customer, including prompting the customer for a user ID,

  and/or using URL information returned by the customer's Web browser."), and a

  financial authorization comprising an acknowledgment from a distributor verifying

  a customer account (column 15, lines 28-49);

- A data storage medium storing information for a plurality of products, including a

  customer price associated with each of the plurality of products, where the

  customer price is based on a predetermined pricing function, and where the

predetermined pricing function is based on the customer identification (column

14, lines 38-51, "...allows the system to obtain pricing information for a product

and associate. In this way, the computer program **144** can be configured to

generate special discounts or pricing incentives to the customer or associate

depending on a particular business relationship.");

- An order placement component that retrieves from the data storage medium

  information for the identified product and that uses the retrieved information to

  place an order from manufacturer of the identified product (Figure 8); and

- An order fulfillment component that completes a purchase of the product in

  accordance with the order placed by the order placement component (column 15,

  lines 28-50).

Referring to claim 59. Bezos further discloses a server system wherein the

customer identification includes an indication of the distributor so as to identify the

predetermined pricing function (column 14, lines 38-51, "...allows the system to obtain

pricing information for a product and associate. In this way, the computer program **144**

can be configured to generate special discounts or pricing incentives to the customer or

associate depending on a particular business relationship.").

Referring to claim 60. Bezos further discloses a server system wherein the

customer identification includes a customer account number associated with the

distributor ("When the customer subsequently purchases a product or products

contained in the shopping cart, the associate's unique store ID maintained in the

associate data structure **160** is used to appropriately credit the associate's account.

During this process (or at the time of the referral) the computer program **144** determines

whether the store ID represents a valid (enrolled) associate in the associates database

160.").

Referring to claim 61. Bezos further discloses a server system wherein the

receiver component is further for receiving an account number acknowledgment from

the distributor associated with the customer account number so as to identify the

predetermined pricing function (column 14, lines 38-51).

Referring to claim 62. Bezos further discloses a server system wherein the data

storage medium further includes pricing information associated with a plurality of

distributors, and wherein the predetermined pricing function includes the distributor

pricing information of the identified distributor in the customer price (column 14, lines

38-51).

Referring to claim 63. Bezos further discloses a server system comprising a

commission component that determines a commission and assigns the commission to a

manufacturer's representative, where the commission is based on the order, and where

the manufacturer's representative is associated with the customer identification (column

14, lines 38-51, "...allows the system to obtain pricing information for a product and

associate. In this way, the computer program **144** can be configured to generate special

discounts or pricing incentives to the customer or associate depending on a particular

business relationship.").

Referring to claim 64. Bezos further discloses a server system comprising a

commission component that determines a commission and assigns the commission to a

manufacturer's representative, where the commission is based on the order, and where the manufacturer's representative is associated with the product (at least column 11, lines 1-15, " The unique store ID 406 represents the information created and stored in the associate's database during the associate enrollment process described above. In the AMAZON.COM implementation, the unique product ID **404** is the ISBN of a book that is available from the AMAZON.COM Web site. The associate commission scheme ID is an optional feature that can be used to specify a commission percentage or method for calculating the referral commission.").

Referring to claim 65. Bezos further discloses a server system comprising a commission component that determines a commission and assigns the commission to a manufacturer's representative, where the commission is based on the order, and where the manufacturer's representative is associated with the customer identification and the product (Abstract).

Referring to claim 66. Bezos further discloses a server system wherein the data storage medium further comprises stored information associating a manufacturer's representative with a plurality of predetermined variables; and further comprising a commission component that determines a commission and assigns the commission to a manufacturer's representative based on at least one of the plurality of predetermined variable, where the commission is based on the customer price (column 1, line 62 to column 2, line 18).

Referring to claim 67. Bezos further discloses a server system wherein the receiver component is in communication via a public access communications network

with a site displaying information for the product, and wherein the order is received via the public access network (Figure 1).

Referring to claim 68. Bezos further discloses a server system wherein the receiver component is in communication via a public access communications network with a site displaying information for the product, and wherein the order is received via the public access network (Figure 1).

Referring to claim 69. Bezos further discloses a server system wherein the receiver component is in communication via a public access communications network with a manufacturer-specific site displaying information for the product, where the manufacturer-specific site primarily displays only products of a single manufacturer, and wherein the order is received via the public access network (Abstract).

Referring to claim 70. Bezos discloses a server system for generating an order for a product, comprising:

- A receiver component that receives requests to order a product (Figure 8, "Add it to your Shopping Cart"), a request including a product code that identifies the product (Figure 8, "ISBN: 0809232022") and a customer identification that identifies a customer (at least column 8, lines 17-31, "Any of a variety of alternative techniques can be used to identify the customer, including prompting the customer for a user ID, and/or using URL information returned by the customer's Web browser.");

- A data storage medium storing information for a plurality of products and storing information for a plurality of agents associated with the products, where the

stored product information includes a customer price associated with each of the plurality of products, where the customer price is based on a predetermined pricing function, and where the predetermined pricing function is based on the customer identification, where the stored agent information includes at least one predetermined variable associated with each of the plurality of agents (column 14, lines 38-51, "... allows the system to obtain pricing information for a product and associate. In this way, the computer program **144** can be configured to generate special discounts or pricing incentives to the customer or associate depending on a particular business relationship."); and

- A commission component that determines a commission and assigns the commission to one of the plurality of agents based on at least one of the plurality of predetermined variables, where the commission is based on the customer price (column 14, lines 38-51, "... allows the system to obtain pricing information for a product and associate. In this way, the computer program **144** can be configured to generate special discounts or pricing incentives to the customer or associate depending on a particular business relationship.").

Referring to claim 71. Bezos further discloses a server system wherein the predetermined variable includes at least one of a territory, a distributor, a manufacturer, a commission percentage and the customer identification (at least column 11, lines 1-15, " The unique store ID 406 represents the information created and stored in the associate's database during the associate enrollment process described above. In the AMAZON.COM implementation, the unique product ID **404** is the ISBN of a book that is

available from the AMAZON.COM Web site. The associate commission scheme ID is

an optional feature that can be used to specify a commission percentage or method for

calculating the referral commission.").

Referring to claim 72. Bezos further discloses a server system wherein the data

storage medium further comprises a commission percentage associated with each of

the plurality of products, wherein the commission is based on the commission

percentage (at least column 11, lines 1-15, " The unique store ID 406 represents the

information created and stored in the associate's database during the associate

enrollment process described above. In the AMAZON.COM implementation, the unique

product ID **404** is the ISBN of a book that is available from the AMAZON.COM Web site.

The associate commission scheme ID is an optional feature that can be used to specify

a commission percentage or method for calculating the referral commission.").

Referring to claim 73. Bezos further discloses a server system wherein the

receiver component further receives a financial authorization that comprises an

acknowledgment of the validity of the customer identification from a distributor of the

product (column 15, lines 28-49).

Referring to claim 74. Bezos further discloses a server system comprising an

order placement component that retrieves from the data storage medium information for

the identified product and that uses the retrieved information to place an order for the

identified customer for the identified product (Figure 8, "Add it to your Shopping Cart");

and an order fulfillment component that completes a purchase of the product in

accordance with the order place by the order placement component (column 15, lines 28-50).

Referring to claim 75. Bezos further discloses a server system wherein the receiver component is in communication via a public access communications network with a site displaying information for the product, and wherein the order is received via the public access network (Figure 1).

Referring to claim 76. Bezos further discloses a server system wherein the receiver component is in communication via a public access communications network with a manufacturer-specific site displaying information for the product, where the manufacturer-specific site primarily displays only products of a single manufacturer, and wherein the order is received via the public access network (Figure 1 and Abstract).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hartman et al., U.S. Patent No. 5,960,411, September 28, 1999, discloses a method and system for placing a purchase order via a communications network.

Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone

numbers for the organization where this application or proceeding is assigned are 703-

746-7239 for regular communications and 703-746-7238 for After Final

communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

MSG

April 17, 2003

Jeffrey A. Smith
Primary Examiner